

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
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Date of mailing
(day/month/year)

1 / 1 / 2005

Applicant's or agent's file reference

ASMP03292PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US05/06546

International filing date (day/month/year)

28 February 2005 (28.02.2005)

Priority date (day/month/year)

27 February 2004 (27.02.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): B60C 19/00; B65C 3/00, 3/26, 5/00, 5/02 and US Cl.: 156/277, 384, 541, 542, 556, 566

Applicant

AKRON SPECIAL MACHINERY, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/06546

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/06546

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------------|-----|
| Novelty (N) | Claims <u>2-13,15-18</u> | YES |
| | Claims <u>1, 14</u> | NO |
| Inventive step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-18</u> | NO |
| Industrial applicability (IA) | Claims <u>1-18</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Claims 1 and 14 lack novelty under PCT Article 33(2) as being anticipated by Kokubu et al. (US Patent No. 6,144,033).

Kokubu teaches using a single versatile applicator to mark a tire based on an inspection. The applicator (20) is suspended on a nut member (12) that is supported on threaded rod (11) on a horizontal drive unit (10). The rotating mechanism (8) for a shaft (9) is turned to properly position the applicator (20) for application of the balance mark (M). The applicator also includes a cylinder actuator (26) which pushes the heating head (27) toward the tire (1) to print the balance mark (M) on a side wall of the tire (1). (Col. 3, lines 17-63; Col. 4, lines 54-67.)

Claims 2-13 lack an inventive step under PCT Article 33(3) as being obvious over Kokubu et al. (US Patent No. 6,144,033).

The structural details set forth in claims 2-13 are within the purview of one having ordinary skill in the art and does not amount to an inventive step as required in Article 33(3). These details are considered obvious modifications to an artisan.

Claims 15-18 lack an inventive step under PCT Article 33(3) as being obvious over Tomosada (JP 2003-221021 A) in view of Kokubu et al. (US Patent No. 6,144,033).

Tomosada teaches identifying the type of product and applying the correct label accordingly.

Kokubu teaches using a single versatile applicator to mark the tire based on the inspection.

Regarding claims 15-18, Tomosada teaches using various applicators to apply a label based on the identified type of product. An artisan would appreciate that a more efficient and compact system would be to use a single applicator as is done in Kokubu and print the appropriate label before applying it. Thus, these claims do not amount to an inventive step as required by Article 33(3).

Claims 1-18 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.